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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,648	06/19/2006	Henri Bois	15675P577	3419
8791 7590 10/16/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
GERRITY, STEPHEN FRANCIS				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
10/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/541,648

**Applicant(s)**

BOIS, HENRI

**Examiner**

Stephen F. Gerrity

**Art Unit**

3721

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 112**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 and 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The claims 1-11 and 25-27 are awkwardly written in a style which fails to particularly point out the steps of the method.

Claim 1, lines 4 and 5, the expression "one the one hand and on the other hand" renders the claim vague and indefinite.

Claim 1, line 5, the expression "a cleavable linking veil, located at a distance therefrom" is vague and indefinite because it is unclear which element the term "therefrom" is referring.

Claim 1, line 8, the expression "tightening of the bag in order to close it" is vague and indefinite because it is unclear precisely what is being tightened and how tightening can close the bag.

Claim 1, line 8, the claim language is confusing because it is unclear if the "tension ..." is a separate step or if it is a consequence of the tightening step.

Claim 1, line 9, the claim language is confusing because it is unclear if the "veil entering into contact ... but guaranteeing ..." is a separate step or if it is a consequence of the tightening step.

Claim 1, lines 11-13 are confusing and wordy because they fail to particularly point out the steps of the claimed invention.

Claim 1, lines 14 and 15 are vague and indefinite because it is unclear as to the precise structure for which applicant is attempting to claim coverage. The veil would appear to be a part of the U sheet, based on the disclosure, but the manner of presentation in the claim renders the subject matter ambiguous and confusing.

Claim 2, it is unclear precisely what applicant intends to mean by the terminology "in order to conform said mouth".

Claim 3 is vague and indefinite because it is unclear if the U sheet of the claim is one and the same as the U sheet recited in claim 1. Furthermore, is the "opening/closing means" of claim 3 one and the same as the opening/closing means of claim 1.

Claim 3, the language of the claim is ambiguous, for instance, "folded as a U on itself and including opening/closing means" and "turned outwards."

Claim 4, "the middle area of the sheet" lacks proper and clear antecedent basis.

Claim 5, "the free edges of the sheet" lacks proper and clear antecedent basis.

Claim 6, it is unclear if the subject matter directed to the sheet formed on itself as a W is in addition to, or a further limiting of, the U sheet recited in claim 1.

Claim 6, the language of the claim is ambiguous and confusing. It is unclear from the claim precisely what is meant by "the top of the central fold thereby formed on the adjacent surfaces of the side components of the sheet".

Claim 8 is similarly rejected for the reasons set forth above with regard to claim 1. Also, in claim 8, line 13, the "provision step" lacks proper antecedent basis.

Claim 8, line 15, "attaching on the outside of this fold" is vague and indefinite because the "outside" is ambiguous and lacks proper antecedent basis.

Claim 8, lines 15 and 18, the language "attaching" and "welding" render the claimed subject matter ambiguous.

Claim 8, line 18, the language "the U fold forming said cleavable linking veil" is vague and indefinite and lacks proper antecedent basis in the claim. The "U fold" recited in the claim is in regard to the bag and its main walls, and has no relationship to the cleavable linking veil.

Claim 8 appears to be directed to an undisclosed embodiment because the embodiment shown in figure 5 which appears to have bearing on the language found in lines 13-16 does not appear to provide support for "the U fold forming said cleavable linking veil" found in line 18. Correction or clarification appears to be necessary.

Claims 9 and 26, the recitation "the end of the latter opposite to its mouth" lacks proper antecedent basis and is ambiguous.

These and any other informalities should be corrected so that the claims may particularly point out and distinctly claim the subject matter which applicant regards as the invention, as required by 35 U.S.C. § 112, second paragraph.

### **Allowable Subject Matter**

3. Claims 1-11 and 25-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### **Response to Arguments**

4. Applicant's arguments, beginning at page 7, filed 10 July 2008, with respect to the objection to the specification and the rejection under 35 USC 102 have been fully considered and are persuasive. The objection to the specification and the rejection under 35 USC 102 have been withdrawn.

5. Applicant's arguments filed 10 July 2008 with regard to the 35 USC 112, 2<sup>nd</sup> paragraph rejection have been fully considered but they are not persuasive. The pending claims 1-11 and 25-27 are rejected because the claims fail to particularly point out and distinctly claim the subject matter of the invention for the reasons set forth above.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is 571-272-4460. The examiner can normally be reached on Monday - Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen F. Gerrity/  
Primary Examiner  
Art Unit 3721

13 October 2008